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SALT LAKE CITY, UTAH 84145-0120

PATENT APPLICATION  
Docket: 7927.90

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*Handwritten signature and number 2*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
James B. Loveland )  
Serial No.: 09/386/270 )  
Filed: August 31, 1999 )  
For: GRAPHICAL METHOD AND SYSTEM FOR )  
MODELING AND ESTIMATING CONSTRUCTION )  
PARAMETERS )

BOX: MISSING PARTS  
Assistant Commissioner for Patents  
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Application mailed October 4, 1999, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

- x   A Declaration, Power of Attorney, and Petition executed by the inventors.
- x   A copy of the specification (description and claims).
- x   A Declaration Claiming Small Entity Status Pursuant to 37 C.F.R. § 1.9 and § 1.27.
- x   A copy of the Notice to File Missing Parts of Application - Filing Date Granted.
- x   A Certificate of Deposit under 37 C.F.R. § 1.8.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 500843.

- ☒ Any additional filing fees required under 37 C.F.R. § 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.


The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 500843.

- ☒ Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☐ The issue fee set in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).
- ☒ A duplicate copy of this letter is enclosed.

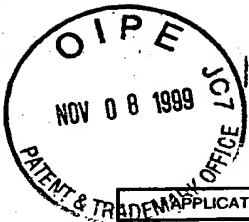
Please address all future correspondence in connection with this case to the attention of the undersigned.

Dated this 3<sup>rd</sup> day of November, 1999.

Respectfully submitted,

  
MICHAEL F. KRIEGER  
Attorney for Applicant  
Registration No. 35,232

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/386,270	08/31/99	LOVELAND	J 7927.90

0242/1004

KIRTON & MCCONKIE  
1800 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY UT 84145-0120

NOT ASSIGNED

2772

DATE MAILED:

10/04/99

### NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above identified application papers for the reason(s) indicated below.

If all required items on this form are filed, the total amount owed by applicant as a ☐ small entity (statement filed)

☒ non-small entity is \$ 570.00

All of the items indicated below in "A" must be submitted within **TWO MONTHS** of the date of this Notice, or proceedings on the application will be terminated (37 CFR 1.53(e)). **A newly executed oath or declaration in compliance with 37 CFR 1.63 c v ring these items is also required.**

The filing date will be the date of receipt of all items required below in "A." Any assertions that these items required were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

A. The above-identified application papers are **not** entitled to a filing date because:

☒ 1. The specification (description and claims):

☒ a. is missing.

☐ b. does not include a written description of the invention.

☐ c. does not include at least one claim as prescribed by 35 U.S.C. 112.

*A complete specification, (including at least one claim in a nonprovisional application) as prescribed by 35 U.S.C. 112 is required.*

☐ 2. The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

*Applicant should reconsider whether drawings are necessary under 35 U. S. C. 113 (first sentence).*

B. Additional observations on the above-identified application papers:

☐ 1. The statutory basic filing fee is:

☐ missing

☐ insufficient

*Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27(b)).*

☐ 2. The following additional claim fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

*Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.*

☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 4. The application was filed in a language other than English.

*Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).*

☐ 5. Pages \_\_\_\_\_ of the specification are missing.

☐ 6. Figures \_\_\_\_\_ described in the specification are missing.

☐ 7. Other: \_\_\_\_\_

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

Enclosed:

☐ "General Information Concerning Patents." See page \_\_\_\_\_

☒ Other: Small Entity Statement missing

**A copy of this notice MUST be returned with the reply.**

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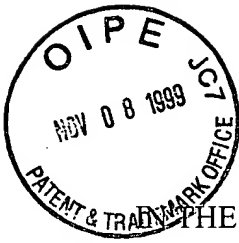
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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PATENT APPLICATION

Docket: 7927.90

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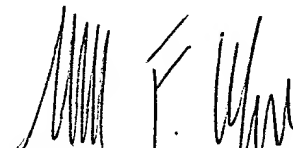
THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Box: Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231, on this 3<sup>rd</sup> day of November, 1999:

- Response to Notice to File Missing Parts of Application (2 pgs.)
- Declaration, Power of Attorney, and Petition (2 pgs.)
- Declaration Claiming Small Entity Status (2 pgs.)
- Copy of Notice to File Missing Parts of Application – Filing Date Granted (1 page)
- Copy of Specification ( 34 pgs.)
- Postcard

  
MICHAEL F. KRIEGER  
Attorney for Applicant  
Registration No. 35,232

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MFK:tka

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